

## Working Paper No 7

**Developing a model to facilitate evaluation of performance regimes and national frameworks.**



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## Working Paper 7.

### Developing a model to facilitate evaluation of performance regimes and national frameworks.

#### Introduction

Performance regimes, periodically assembled into national frameworks, have become increasingly popular with successive governments in the UK since the New Labour administrations of Tony Blair and Gordon Brown. Since the advent of joined-up government introduced by the modernisation agenda of the first New Labour administration, governments have attempted to embrace a more strategic approaches to policy and delivery of public services (Murphy 2014). They have produced documents that includes central government policy supplemented by advice, guidance and sometimes new regulation on how public agencies should deliver the services either in conjunction with central government agencies and/or with other stakeholders. These have increasingly been accompanied by revised arrangements intended to improve accountability and transparency and ultimately public assurance. Nowhere is this more evident than in Fire and Rescue Services where 5 successive national frameworks have been issue since the 2004 Fire and Rescue Services Act (ODPM 2004, DCLG 2006, 2008, DCLG 2012, Home Office 2018).

National frameworks, and regimes, attempt to bring policy development, service delivery and public assurance into a mutually supportive, coherent and joined-up approach. They are defined as

“the context, the parameters, the agencies and the relationships operating within the three domains of policy development, service delivery and public assurance in public services or sectors”

(Murphy *et al.* 2018).

This paper will develop a conceptual model to show how the different parts of the frameworks are configured and interrelate.

Although the totality of the current legislation affecting Fire and Rescue Services is set out in Table 1 below, there are three strategic legislative requirements that are key priorities for the leadership and management of fire and rescue services, that together also form the basis for evaluating performance frameworks. The three statutory requirements relate to all locally delivered public services within Local Authorities, Health and Social Care, the Police and Fire and Rescue Services. They are part of the legislation but clearly are not all of it.

1998	The Crime and Disorder Act
1999	The Local Government Act
2004	The Fire and Rescue Services Act
2004	The 2004 Civil Contingencies Act
2005	Regulatory reform (fire safety) order
2006	Safeguarding Vulnerable Groups Act

2010	Equalities Act
2010	Building Regulations Act
2012	Public Services (Social Value) Act
2014	Local Audit and Accountability Act
1974, 2005, 2015	Health and Safety Acts
2017	The Policing and Crime Act

Table 1: Fire and Rescue Services Legislative requirements. (Source: Author).

These services, and the individual organisations that deliver these services, are required, individually and collectively, to facilitate continuous improvement, to provide value for money and to deliver more accountable and transparent public assurance arrangements. These requirements form the basic foundations for the review and evaluation of existing frameworks and any review of proposals for the replacement of whole frameworks or significant parts of frameworks.

The conceptual model has been used as an analytic tool in order to evaluate individual frameworks, parts of frameworks or successive versions of frameworks. This model provides a coherent overview and can be used to facilitate future evaluation of changes to frameworks or their constituent parts. It is shown in Figures 1 and 2 below. The next sections will describe its contents and how they relate to each other.

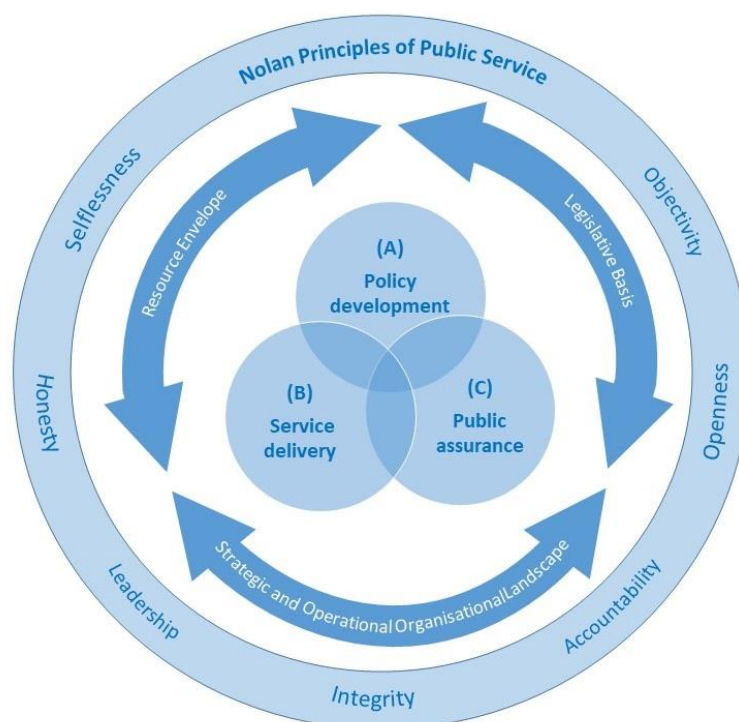


Figure 1. National Frameworks: A generic model. (Source: Murphy & Lakoma 2018).

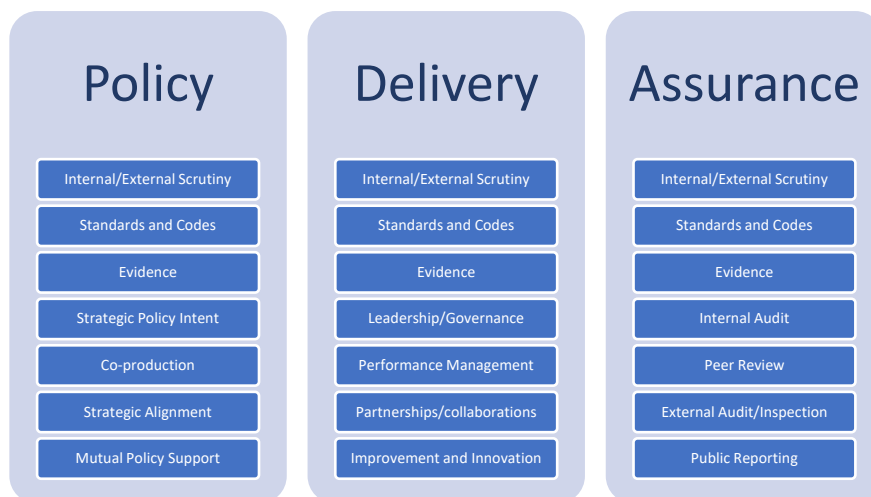


Figure 2: The three core domains of policy, delivery and assurance. (Source: Murphy & Lakoma 2018).

## The core domains of policy development, service delivery and public assurance

Since the introduction of national frameworks for performance measurement, management and monitoring and in order for them to be comprehensive and effective such frameworks have made provision for agents and activities in the three interconnected 'domains' mentioned above. These three domains are shown at the conceptual core of Figure 1, and their contents are shown on Figure 2. They are:

- **The policy or policy development domain** – which determines the objectives of any policy, whether national, regional or local; but also identifies what the parameters to its development are and whether delivery is feasible and realistic?
- **The service delivery domain** - which determines how the service is to be delivered and ideally how its delivery is to be optimised, continually improved, sustained, innovated and constructively monitored; and
- **The public assurance or regulatory domain** which shows how the public is to be provided with re-assurance that the money taken from them to finance the policy prescriptions and the strategic and operational delivery of the service, is justified and provides value for money.

Joined-up policy development and policy making, is particularly important in services, such as the emergency services, that have mutually inter-dependent responsibilities to the public at national, regional and local community levels (Kozuch and Sienkiewicz-Malyjurek 2014, Sienkiewicz-Malyjurek 2017). Efficient and effective service delivery is also equally interdependent at local, regional and national levels; and the objectives of the assurance and regulatory arrangements need to transcend all emergency services to address wider community or public goals and objectives such as public safety and security rather than prioritise narrower individual organisational goals and objectives.

These three inter-connected domains, which are illustrated in more detail in Figure 2, clearly have areas of overlaps and some of their individual aspects or components are common to more than one domain for example in fire and rescue all three domains use a (more or less robust and quality assured) evidence base, many of the elements of which are also common to all three domains. They

also have some aspects that are specific to an individual domain, such as a strategic policy intent, performance management or external audit and inspection. These three core domains also inter-relate with the three broader parameters that make up the the first circle that surrounds them, namely resource availability, authorising legislation and the organisational landscape. At the same time all aspects and activities in both the core domain and in the parameters need to adhere to the principles, values and behavioural norms in the outer circle which are the values and behaviours by which public service is conducted in the UK.

## Values, behaviour, the public interest and the nolan principles

The definitive overarching assumptions for any public service framework is the public interest and the values and/or principles that are enshrined within public service. In the UK, this is currently relatively simple to identify since anyone who works as a public office-holder or a direct or indirect employee of the public sector in the UK must adhere to the seven principles of public life known as the 'Nolan Principles' (Committee on Standards in Public Life 1995). These cover selflessness, integrity, objectivity, accountability, openness, honesty and leadership. They are shown in Figure 1 as the large outer circle and defined in Table 2 below. In developing any policy initiatives or arrangements for service delivery, ministerial legislators and officials must adhere to and promote these principles in their work. The principles operate across and throughout any public activity, and across and throughout any public service context. Public service principles are not unique to the UK but the Nolan Principles are universal to UK public services.

Standard	Description
<b>1. Selflessness</b>	Holders of public office should act solely in terms of the public interest.
<b>2. Integrity</b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<b>3. Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>4. Accountability</b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b>5. Openness</b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>6. Honesty</b>	Holders of public office should be truthful.
<b>7. Leadership</b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Table 2: The Nolan Principles (1995. p 1.)

In addition to these values and the core domains, there are a number of situational or contextual constraints that act as the strategic parameters to the development of service frameworks and other policy/service/assurance regimes. Most national policy documents and frameworks (for example the five National Frameworks for Fire and Rescue Services published since 2004 (ODPM 2004, DCLG 2006, 2008, 2012, Home Office 2018) attempt to cover these situational issues at the start of the documents as they 'set the scene' for any proposals that follow in the main body of the policy or framework. They generally include the legislative basis that provides the authority and legitimacy for the proposals; the current or revised strategic and operational organisational landscape that the service operates within; the resource envelope deemed to be available and the timescales (short, medium and long-term) that the framework is expected to cover. These key contextual components are shown in the second circle on Figure 1.

## **The resource envelope**

Since 2010 the three Conservative led administrations have implemented macro-economic strategies generally known in policy, practice and academia as the policies of 'austerity' (Blyth 2013, Atkinson 2015, O'Hara 2015, Schui 2015). This policy response has been exemplified by successive reductions in public expenditure on public services whether these services are delivered directly by central government and their agencies, or more locally by local government, the NHS, the Police or the Fire and Rescue Services. As the coalitions programme for government stated in 2010:

"The deficit reduction programme takes precedence over any of the other measures in this agreement, and the speed of implementation of any measures that have a cost to the public finances will depend on decisions to be made in the Comprehensive Spending Review" (HMG 2010, p.35).

Periodic macro-economic medium term spending reviews were initiated by the first New Labour administration but were also embraced by its successors of all political persuasion. Although the form and extent of reductions in financial support from central government may have varied, and individual services may have experienced varying impacts across time and geography, successive governments since 2010 have instituted continuous reductions in the aggregate of public expenditure for public services through a series of government Spending Reviews and associated financial statements (HMT 2010, 2013, 2015, 2017, 2018, HMT/DWP 2013). Thus, what Whitehall often refers to as the 'resource envelope' for public services generally and for Fire and Rescue Services in particular has been reducing substantially in real terms. Fire and Rescue Services also raise revenue locally through the council tax precept and there are some minor services or activities that they may be able to level charges or fees. Council tax rises have however effectively been capped for some time and the gearing system for increases ensures large increases are impractical. In practice, particularly in the short term the resource envelope acts as a parameter to the policy development, service delivery and public assurance arrangements for fire and rescue services.

## **The legislative base and the analytical lens**

The New Labour administration of 1997-2001, introduced two initiatives as statutory requirements on public services and redefined the way that a third, 'value for money', was to be determined. The first was to re-introduce the concept of multiple and several organisational responsibility for tackling long-term deep-rooted social, economic and environmental problems and issues that had clearly

been adversely affecting local communities for some time and were proving increasingly problematic despite government policy and action to mitigate their impact. These had become generally known in academic and practitioner literature as the “wicked” issues or problems (Rittel, and Webber 1973).

Wicked issues are not amenable to effective action on the part of a single agency (whether government or non-government) but require concerted action on the part of multiple agencies to address them or mitigate their impacts in a systematic and coordinated way. The first statutory application of multiple and several organisational responsibility in the New Labour era was the 1998 Crime and Disorder Act, which established Crime and Disorder Reduction Partnerships between the police, local authorities and other interested agencies in every local authority area of the UK (Phillips *et al.* 2002). Fire and Rescue Services have been active participants in these partnerships since their inception and these partnerships are now more commonly now known as Community Safety Partnerships.

The second innovation which later became known as the ‘improvement agenda’ (DETR 1998), was to require public bodies to facilitate continuous improvement across all of their services and activities, rather than just be subject to the local political dictates of their governing boards or authorities. This was first introduced in the Local Government Act 1999, which *inter alia*, required local authorities to seek to achieve ‘Best Value’. Best Value also changed the obligation on public services to achieve value for money in that value for money was henceforth to be assessed by the 3 ‘e’s of economy, efficiency and effectiveness by which they commissioned and delivered services and activities to the public (DETR 1998). The two new concepts and the revised concept were translated into statutory requirements are still extant at the time of writing despite prophecies of their demise (Glennon 2017). For a short time, under Gordon Browns administration, ‘equality’ and ‘sustainability’ were added to the 3 ‘e’s but subsequent governments have reverted in practice to the 3‘e’s.

In developing national policy for public service improvement the New Labour administrations attempted to integrate central government policy development and its delivery or implementation through a system of Public Service Agreements which included delivery targets for individual Whitehall departments (HMT 1998b). These were initially linked to the ‘Spending Reviews’ that provided successive rounds of central government funding via Departmental Expenditure Limits to individual Whitehall departments. In effect the centre of central government comprising HMT, the Cabinet Office and the No10 Strategy Unit, negotiated increasingly sophisticated delivery targets (which might be input, output or increasingly outcome based targets) with the individual ‘delivery’ or spending departments (Departments of Health, Transport, Education, Work and Pensions, Home Office, Ministry of Justice etc) in exchange for central government funding. This Public Service Agreement system rapidly developed into a system that determined individual department objectives and targets complemented by multi department cross government objectives and targets

This new ‘joined up’ policy approach was complemented by a parallel attempt across Whitehall departments to link up policy making and service delivery through the development of the theory and practice of co-production and co-delivery of public services with their main external delivery agents, be they local authorities, the police, the NHS or non-departmental public bodies (HMG 1998b, Cabinet Office 1999). Thus consultation, became one of the original four ‘C’s of Best Value namely Compare, Consult Competition and Challenge (DETR 1998) through which local authorities needed to develop their strategies and policies and sat alongside the 3 ‘E’s of economy efficiency and effectiveness by which they assessed their service delivery. Local delivery was shaped and influenced by Local Public Service Agreements, and successive rounds of Local Area Agreements which were predicated on multi-agency working at the local community levels. Although the Conservative led administrations since 2010 formally abandoned LAAs, the requirement for multi-



agency collaboration among local delivery organisation was enshrined in later legislation such as the 2012 Health and Social Care Act, which Health and Wellbeing Boards and more latterly the 2017 Crime and Policing Act.

This more collective and collaborative approach to policy development and public service delivery was also complemented by a system of internal and external audit, and measurement and monitoring of performance intended to ensure costs were reduced and the quality of services improved (Martin 2006, Ashworth et al. 2010). This 'improvement agenda' was therefore facilitated by the creation and strengthening of external inspection, auditing, regulation and assurance bodies, primarily designed to provide greater accountability and transparency of public service performance and financial conformance to assure the government and the public, at the same time as facilitating, driving and encouraging public service improvement (Davis and Martin 2008, Ashworth et al 2010).

These initiatives and the attempt to generate a more mutually supportive and coherent programme of improvement were known as the New Labours' Public Sector or Public Service Reforms. Essentially these were multifaceted baskets of reforms across policy development, service delivery and public assurance. They operated at national and local levels under the New Labour administrations, although they also included the devolved administrations for Scotland Wales and Northern Ireland and often had regional components within England (Cabinet Office/DTLR 2002, House of Commons Library 2003). The statutory obligation has remained throughout the UK, although since 2010, it has been given greater prominence in the devolved administrative areas than in England. As indicated in the quote from the 2010 coalitions programme for government, successive administration have consistently emphasised the austerity programme over the improvement agenda although both remain statutory obligations (Glennon 2017). The impact of these two contrasting strategies in Fire and Rescue Services is available in two recent comparative studies (Taylor *et al.* 2018, Murphy *et al.* 2019), which tend to support the Scottish approach as the more successful.

## **The strategic and operational organisational landscape**

The periods between 2004 and 2010 and between 2010 and 2017 in England saw widespread significant changes in the organisational landscape of Fire and Rescue Services other than in the number of fire authorities or Services, which remained relatively constant but for a few horizontal amalgamations. However parts of the painstakingly constructed performance management and improvement infrastructure, and the arrangements for public assurance that were built by the New Labour administrations were washed away by the incoming coalition government and its response to the 2008-10 recession built on a policies of austerity-localism and sector led improvement .

Between July and September 2010, the incoming Coalition Government announced that it would abolish the Audit Commission, abandon Comprehensive Area Assessment, terminate all commission inspections, decommission Local Area Agreements and transfer external audit of public bodies to the private sector audit firms (Murphy, 2014). The Audit Commission was formally closed on the 31<sup>st</sup> March 2015, although in reality it had only a skeleton staff and vastly reduced capacity to operate from 2012. The Local Government Association had closed the Improvement and Development Agency and its Leadership Centre while Fire Service and Emergency Planning colleges were sold to Capita and Serco respectively. A new national framework was issued (DCLG 2012) and a policy approach that had remarkable similarities to the benign neglect of the pre New Labour Home Office (Murphy and Greenhalgh 2013, Raynsford 2016), took root.

The baleful regime at the Department of Communities and Local Government under Eric Pickles resulted, five years later in a series of reports that effectively castigated the service and the sector for poor leadership, lack of knowledge and information, inadequate performance management, loss of accountability and transparency and failure to protect the public as much as it could and should have done (NAO 2015, Ferry and Murphy 2015, Murphy 2015 PAC 2016), more a case of malign than benign neglect. As a result policy responsibility was passed back to the Home Office and Mrs May, expedited her latest reforms.

Co-production and collective responsibility for policy development had already moved towards organisational responsibility via Fire Authorities and accountability to citizens as a result of the 2012 national framework (DCLG 2012). This was in parallel with Fire Authorities in theory having more freedom and flexibility but in practice being heavily constrained by spending cuts and restrictions on raising local revenue. The process for developing the 2018 framework under the Home Office was the antithesis of open, consensual, joined-up evidence-based policy making. Lip service was paid to statutory obligations such as public consultations, as timescales were minimized. All responses resulted from either Police and Crime Commissioners or from the Fire and Rescue sector. The inadequacy of the evidence base had been further confirmed by the Hackitt review (Hackitt 2017) and whilst a new central body for standards, codes and regulations and a dedicated website for information had been promised, at both of these were in the early stages of development.

The organisational landscape of service delivery in England became more complex with the introduction of discretionary Police, Fire and Crime Commissioners. Unlike Scotland or Northern Ireland which have single services answerable to the devolved administration (when not suspended in Northern Ireland), and London and Greater Manchester which have directly elected mayors, the remainder of England have either county, combined or metropolitan fire authorities or one or other Police Fire and Crime Commissioner models. The previous momentum to encourage larger delivery units, and hence achieve economies of scale has changed direction. Most, if not all, Fire and Rescue Services are actively pursuing collaborations with the police particularly around back office functions and their common estate. This is a result of the statutory obligation for collaboration agreements anticipated in Chapter 1 of the Policing and Crime Act 2017. It remains to be seen whether pressures to amalgamate will reemerge or disappear as there are clearly still economies of scale, organisational efficiencies and consequent resilience of larger services to capture.

Finally in terms of public assurance, accountability and transparency, but also potentially in terms of service improvement, the role and responsibilities of HMICFRS appears crucial. For HMICFRS to be effective they, like all authorities and agencies they will need a more robust evidence. They will need to be strategically positioned in the organisational landscape of the sector. They will need key stakeholders such as the promised Standards Board, the revised Building Regulations, the internal and external auditing arrangements to be arranged so as to be mutually beneficial to teach others work and objectives. They will need to develop satisfactory relationships with key stakeholders in the policy development and service delivery domains, as well as relationships with the legislators and the resource providers.

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## Emergency Services Working Papers

This working paper is part of other working papers published by Nottingham Business School, Nottingham Trent University, which address the issues of service delivery, policy development and public assurance of Fire and Rescue Services.

### Working papers to date comprise:

Murphy, P., 2017. Working Paper 1. *The implications of the Crime and Policing Act 2017 for fire and rescue services*. Nottingham: Nottingham Trent University.

Murphy, P., Glennon, R. and Lakoma, K., 2018. Working paper no 2. *Fire and Rescue National Framework for England: Government (Home Office) consultation*. Nottingham: Nottingham Trent University.

Murphy, P., Glennon, R., Lakoma, K. and Spencer, T., 2018. *Working paper no 3. Proposed fire and rescue service inspection programme and framework 2018/19: Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services consultation response*. Nottingham: Nottingham Trent University.

Murphy, P., Lakoma, K., Glennon, R. and Spencer, T., 2018. *Working paper no 4. Protocol on Central Government intervention action for fire and rescue authorities. Annex A: of the 'Fire and Rescue National Framework for England' Government (Home Office) consultation*. Nottingham: Nottingham Trent University.

Murphy, P., Lakoma, K. and Glennon, R., 2018. *Working paper no 5. A 'model' national framework for fire and rescue services in England*. Nottingham: Nottingham Trent University.

Lakoma, K., Toothill, A. and Murphy, P., 2019. *Working paper no 6. A review of integrated risk management plans in fire and rescue services: stage 1*. Nottingham: Nottingham Trent University.

These are all available on the Fire Sector Federation's intranet and on the Nottingham Trent University's Institutional Repository (IRep) website (<http://irep.ntu.ac.uk/>).